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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,702	02/19/2004	Joseph J. Brychell III	MSI-1612US	5595
22801	7590	04/06/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2163	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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lhptoms@leehayes.com

Office Action Summary

Application No.

10/783,702

Applicant(s)

BRYCHELL ET AL.

Examiner

Wilson Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaschillo et al. (US 2003/0236859).

Regarding Claim 1, Vaschillo discloses a method of managing XML documents comprising:

- receiving an original XML document (receiving data) that includes information from a hierarchical database (114) (See Figure 1), the hierarchical database being distinct from the original XML document (since database and document are two different things);
- generating a copy of the original XML document (See paras. 0044, 0064, 0002, 0003);

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- annotating the original XML document with an identifier that uniquely identifies each node in the document and a corresponding node in the copy of the XML document (through XmlReader) (See paras. 0039, 0044, 0160);
- accepting at least one edit operation (the system has modified the data) to the original XML document (See paras 0044-0045);
- modifying at least one annotation to the original XML document in response to the at least one edit operation (See paras. 0044-0045);
- identifying at least one change (updated) to the original XML document as a result of the at least one edit operation (See paras. 0121-123); and
- updating the database (114) to reflect the change to the original XML document (See paras. 0010, 0045, 0145).

Regarding Claim 2, Vaschillo discloses that annotating the original XML document with an identifier that uniquely identifies each node in the document and a corresponding node in the copy of the XML document comprises assigning an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160).

Regarding Claim 3, Vaschillo discloses that the annotated identifier is characterized by an attribute that is assigned a namespace that uniquely identifies an update process (See paras. 0002, 0003, 0044, 0053, 0054, 0063, 0064, 0070, Claim 37).

Regarding Claim 4, Vaschillo discloses that the attribute is characterized by a name that is randomly generated (paras. 0044, 0053, 0063, 0064, 0070).

Regarding Claim 5, Vaschillo discloses that:

- annotating the original XML document with an identifier that uniquely identifies each node in the document and a corresponding node in the copy of the XML document comprises assigning an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160); and
- modifying at least one annotation to the original XML document in response to the at least one edit operation comprises removing the annotated identifier from one or more nodes that are copies of another node in the document (See paras. 0007, 0008, 0044-0045, 0103, 0157).

Regarding Claim 6, Vaschillo discloses that identifying at least one change to the original XML document as a result of the at least one edit operation comprises searching the original XML document for one or more new entries (See paras. 0004, 0044-0045, 0103).

Regarding Claim 7, Vashillo discloses that updating the database to reflect the change to the original XML document comprises inserting the new entries into the database (See paras. 0004, 0044-0045, 0103).

Regarding Claim 8, Vaschillo discloses updating the database to reflect the change to the original XML document comprises updating database data from the original XML document (See paras. 0010, 0045, 0145).

Regarding Claim 9, Vaschillo discloses that re-annotating the original XML document for further processing (See paras. 0039, 0044, 0160).

Regarding Claim 10, Vaschillo discloses that re-annotating the original XML document comprises updating the XML document to reflect one or more changes to the database data (See paras. 0010, 0045, 0145).

Regarding Claim 11, Vaschillo discloses a system for managing XML documents, comprising a computing device (720) inherently including a display, a user-input device, and a processing unit, and a memory module the memory module comprising:

- a database module to retrieve data from a database (114), and to format and display the data in an original XML document; the database (114) being distinct from the original XML document (since database and document are two different things);
- an XML processing module to generate a copy of the original XML document (0044, 0064, 0002, 0003) and to annotate at least one of the original XML document (through XmlReader) (See paras. 0039, 0044, 0160) and the copy of the XML document with an identifier that uniquely identifies each node in the document (paras. 0121-123);
- an XML editing module to accept edits to the original XML document and to modify at least one annotation to the XML data in response to the at least one edit (See paras 0044-0045, 0039, 0160);
- an XML conversion module to identify at least one change to the original XML document as a result of the at least one edit operation

and to update the database to reflect the change to the original XML document. (See paras. 0010, 0045, 0145).

Regarding Claim 12, Vaschillo discloses that the XML processing module assigns an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160).

Regarding Claim 13, Vaschillo discloses that the annotated identifier is characterized by an attribute that is assigned a namespace that uniquely identifies an update process (See paras. 0002, 0003, 0044, 0053, 0054, 0063, 0064, 0070, Claim 37).

Regarding Claim 14, Vaschillo discloses that the attribute is characterized by a name that is randomly generated (paras. 0044, 0053, 0063, 0064, 0070).

Regarding Claim 15, Vaschillo discloses that the XML processing module assigns an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160); and the XML editing module removes the annotated identifier from one or more nodes that are copies of another node in the document (See paras. 0007, 0008, 0044-0045, 0103, 0157).

Regarding Claim 16, Vaschillo discloses that the XML conversion module searches the original XML document for one or more new entries (See paras. 0004, 0044-0045, 0103).

Regarding Claim 17, Vaschillo discloses that the XML conversion module inserts one or more new entries in the original XML document into the database (See paras. 0004, 0044-0045, 0103).

Regarding Claim 18, Vaschillo discloses that the XML conversion module updates the database to reflect the changes to the data in the original XML data (See paras. 0004, 0044-0045, 0103).

Regarding Claim 19, Vaschillo discloses that the XML re-annotation module re-annotates the original XML document for further processing (See paras. 0039, 0044, 0160).

Regarding Claim 20, Vaschillo discloses that the XML re-annotation module updates the XML document to reflect one or more changes to the database data (See paras. 0010, 0045, 0145).

Regarding Claim 21, Vaschillo discloses one or more computer-readable media comprising computer executable instructions that, when executed on a computer (See Figures 2, 3), direct the computer to:

- receive an original XML document that includes information from a hierarchical database (114) (See Figure 1), the hierarchical database being distinct from the original XML document (since database and document are two different things);
- generate a copy of the XML document (See paras. 0044, 0064, 0002, 0003);
- annotate at least one of the original XML document and the copy of the XML document with an identifier that uniquely identifies each node in the document (through XmlReader) (See paras. 0039, 0044, 0160);

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- accept at least one edit operation (the system has modified the data) to the original XML document (See paras 0044-0045);
- modify at least one annotation to the XML in response to the at least one edit operation (See paras. 0044-0045);
- identify at least one change to the original XML document as a result of the at least one edit operation (See paras. 0121-123); and
- update the database to reflect the change to the original XML document (See paras. 0010, 0045, 0145).

Regarding Claim 22, Vaschillo discloses the one or more computer-readable media further comprising computer executable instruction that, when executed, direct the computer to assign an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160).

Regarding Claim 23, Vaschillo discloses that the one or more computer-readable media of further comprises the annotated identifier is characterized by an attribute that is assigned a namespace that uniquely identifies an update process (See paras. 0002, 0003, 0044, 0053, 0054, 0063, 0064, 0070, Claim 37).

Regarding Claim 24, Vaschillo discloses that the one or more computer-readable media further comprises the attribute is characterized by a name that is randomly generated (paras. 0044, 0053, 0063, 0064, 0070).

Regarding Claim 25, Vaschillo discloses the one or more computer-readable media further comprising computer executable instruction that, when executed, direct the computer to:

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- assign an annotated identifier to each node in the original XML document (See paras. 0039, 0044, 0160); and
- remove the annotated identifier from one or more nodes that are copies of another node in the document (See paras. 0007, 0008, 0044-0045, 0103, 0157).

Regarding Claim 26, Vaschillo discloses the one or more computer-readable media further comprising computer executable instruction that, when executed, direct the computer to search the original XML document for one or more new entries (See paras. 0004, 0044-0045, 0103).

Regarding Claim 27, Vaschillo discloses the one or more computer-readable media further comprising computer executable instruction that, when executed, direct the computer to insert the new entries into the database (See paras. 0004, 0044-0045, 0103).

Regarding Claim 28, Vaschillo discloses the one or more computer-readable media further comprising computer executable instruction that, when executed, direct the computer to update database data from the original XML document (See paras. 0004, 0044-0045, 0103).

Regarding Claim 29, Vaschillo discloses the one or more computer-readable media further comprising logic instructions that, when executed on a computer, cause the computer to re-annotate the original XML document for further processing (See paras. 0039, 0044, 0160).

Regarding Claim 30, Vaschillo discloses the computer-readable media further comprising computer executable instruction that, when executed, direct the computer to update the XML document to reflect one or more changes to the database data (See paras. 0010, 0045, 0145).

Regarding Claim 31, Vaschillo discloses a method managing markup language documents comprising:

- receiving an original markup language document that includes information from a hierarchical database (114), (See Figure 1), the hierarchical database being distinct from the original XML document (since database and document are two different things);
- generating a copy of the original markup language document (See paras. 0044, 0064, 0002, 0003);
- annotating the original markup language document or the copy of the markup language document with an identifier that uniquely identifies each node in the annotated markup language document and a corresponding node in the other markup language document (through XmlReader) (See paras. 0039, 0044, 0160);
- accepting at least one edit operation to the annotated markup language document (See paras 0044-0045);
- modifying at least one annotation to the annotated markup language document in response to the at least one edit operation (See paras. 0044-0045);

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- identifying at least one change to the annotated markup language document as a result of the at least one edit operation (See paras. 0121-123); and
- updating the database to reflect the change to the annotated markup language document (See paras. 0010, 0045, 0145).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/31/07



**WILSON LEE
PRIMARY EXAMINER**